

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

IN RE:

CASE NO.: 3:12-bk-00080-JAF

Donald J. Bintzler
And

Joyce L. Bintzler
Debtors'

CHAPTER: 13

**ORDER GRANTING DEBTOR'S MOTION TO DETERMINE SECURED
STATUS OF BANK OF AMERICA, N.A. CLAIM NO. 8-1 AND TO STRIP LIEN
EFFECTIVE UPON DISCHARGE**

THIS CASE came on for consideration of the Debtor's Motion to Determine Secured Status of **BANK OF AMERICA, N.A. CLAIM NO. 8-1** and to strip lien effective upon discharge (the "Motion") (Docket No. 57). The motion was filed on negative notice pursuant to local Rule 2002-4, and no objections were filed during the time period for responses. The Court has reviewed the Motion together with the record, and makes the following findings:

ORDERED

1. The Motion is GRANTED.
2. **BANK OF AMERICA, N.A. CLAIM NO. 8-1** shall be treated as an unsecured claim in this Chapter 13 case.
3. The real property, that is the subject of the Motion is located at 6725 Beatrix Drive Jacksonville, Fl 32226, and more particularly described as follows:

LOT(S) 14, OF SHELL BAY 2, UNIT 2 AS RECORDED IN PLAT BOOK 52, PAGE 92, ET SEQ., OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

4. The second mortgage held by **BANK OF AMERICA, N.A. CLAIM NO. 8-1** recorded on **7/09/2007**, at **Book 14074**, page **586**, Instrument No. **2007221036**, of the official records in Duval County Florida, shall be deemed void, and shall be extinguished automatically, without further court order, upon entry of the Debtor's discharge in the Chapter 13 case; provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of **BANK OF AMERICA, N.A. CLAIM NO. 8-1** mortgage lien prior to the entry of the Debtor's discharge.

DONE and ORDERED in Chambers at Jacksonville, Florida on
OCTOBER 31, 2012.

BY THE COURT



Jerry A. Funk
United States Bankruptcy Judge

Copies furnished to:

Donald & Joyce Bintzler
Office of the U.S. Trustee
Prober & Raphael, A Law Corporation.
U.S. Chapter 13 Trustee, Douglas W. Neway, Esquire
Melanie Sacks, Esquire,

RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION
J8 54 7643